

§ 2 The European environmental policy and the Green Deal

- European environmental policy has a *long tradition*: It started already in the 1970s and was anchored in the Treaties in 1986.
- As a *counterbalance to the dominance of economics*, it has significantly increased civil society's interest in European integration.

I. Objectives, principles and instruments of European environmental policy

- the *European environmental policy objectives* (art. 191(1) FEU Treaty):
 - to preserve, protect and improve (!) the quality of the environment
 - to protect human health
 - to utilise natural resources prudently and rationally
 - to promote international measures to cope with geo-regional or global environmental problems, in particular to combat climate change
- the *commitment to a high level of environmental protection*
 - a binding general orientation that prohibits (!) low environmental standards
 - environmental policy must always "aim at a high level of protection" (art. 191(2) FEU Treaty, 3(3) EU Treaty)
 - besides, the policy for the economically important approximation of laws in the European internal market must "take as a base a high level of environmental protection" (art. 114(3) FEU Treaty)
 - furthermore, the requirements of environmental protection must be taken into account in *all* EU policies (horizontal clause art. 11 FEU Treaty)
- the *basic principles* of the European environmental policy (art. 191(2) FEU Treaty):
 - precautionary principle (be careful)
 - principle of prevention (take preventive action)
 - principle of the source of harm (rectify pollution at its source)
 - polluter pays principle
- the *instruments* of European environmental policy (cf. art. 192 FEU Treaty):
 - mostly *directives* (cf. art. 288 sub-sect. 3 FEU Treaty)
 - in some cases *regulations* (cf. art. 288 sub-sect. 2 FEU Treaty)
 - multilateral international treaties
 - environment action programmes (policy frameworks for a certain period of time)
 - green papers and white papers (political documents for the preparation of policies)
 - funding programs

II. Current and recent focus areas of European environmental policy

- air quality and industrial emissions (→ EU zero pollution action plan)
- water resource management (→ European Water Resilience Strategy)
- soil health (→ proposed soil monitoring and resilience directive, EU soil strategy for 2030, EU zero pollution action plan)
- noise pollution (→ EU zero pollution action plan)
- circular economy, waste and recycling (→ EU circular economy action plan, EU Waste Framework Directive)
- plastic pollution (→ EU plastics strategy)
- nature conservation and biodiversity (→ EU biodiversity strategy for 2030)
- marine & coastal environment (→ review of EU Marine Strategy Framework Directive)
- improvement of urban environment (→ Green City Accord)

III. The European Green Deal of 2019 (Communication [COM/2019/640 final](#))

- European Union's ambitious response to climate change
- a *comprehensive strategic program* of the European Commission to curb global warming by reducing greenhouse gas emissions until achieving complete *climate neutrality* by 2050
 - announced in a [communication of the Commission](#) and [welcomed by the European Council](#) and [the European Parliament](#)
 - "climate neutrality" means a balance between greenhouse gas emissions and removals (no net emissions)

COM/2019/640 final, part 1, 2nd paragraph: "... new growth strategy that aims to transform the EU into a fair and prosperous society, with a modern, resource-efficient and competitive economy where there are no net emissions of greenhouse gases in 2050 and where economic growth is decoupled from resource use."

- has the legal nature of a *political program*: not legally binding in itself but envisages numerous measures, many of which will be legal acts
- key elements:
 - main objective: to make Europe the *first climate-neutral geo-region by 2050*
 - includes to make it *independent from fossil fuels* and decouple economic growth from resource consumption
 - intermediate target: to reduce greenhouse gas emissions already by half by 2030
 - other objectives: *circular economy*, clean and energy-efficient industries, healthier environment with zero pollution, more sustainable farming
 - a roadmap for a *complete reorganisation of Europe's economy, energy supply, industries, agriculture and transport* to achieve these objectives
 - with massive investment in innovation, *clean technologies* and *green infrastructure*
 - promise of *climate justice and fairness*
 - to make the transition fair and inclusive and support those most affected

IV. The implementation of the European Green Deal

1) The European Climate Law of 2021 ([Regulation 2021/1119](#))

- long title: Regulation 2021/1119 establishing the framework for achieving climate neutrality ("European Climate Law")
- the general legal framework to implement [Paris Agreement](#) and Green Deal
- sets ***legally binding objective to achieve climate neutrality by 2050*** (art. 2, 1st alternative)
 - and even to achieve *negative emissions from 2050* (art. 2, 2nd alternative)
- sets *intermediate climate target to reduce by 55 % until 2030* (compared to 1990; art. 4(1))
- orders to set a *second intermediate climate target for 2040* (art. 4(3))
- requires a *Union strategy and national strategies on adaptation to climate change* (art. 5)
 - to enhance adaptive capacity, strengthen resilience and reduce vulnerability to climate change
- involves a [European Scientific Advisory Board on Climate Change](#) (art. 3)
- requires public participation and a *multilevel climate and energy dialogue*
 - with local authorities, civil society organisations, business community, investors and other stakeholders
- provides for an assessment of progress and measures all five years (art. 6, 7)

2) Other important legislation

- a whole package of legislative measures, the "[Fit for 55 package](#)", was adopted following the European Commission's "[Fit for 55](#)" initiative from 2021
- [new Chapter in the Emissions Trading Directive](#) (Directive 2003/87)
 - for a second Emissions Trading System (EU ETS 2) for fuel emissions in buildings, road transport & other sectors
- [Carbon Border Adjustment Mechanism](#) ([Regulation 2023/956](#))
 - a tool for fair carbon emissions pricing, to promote greener production methods
- [Net Zero Industry Act](#) ([Regulation 2024/1735](#))
 - promotes net-zero technology manufacturing in the EU
- [European Critical Raw Materials Act](#) ([Regulation 2024/1252](#))
 - shall ensure secure & sustainable supply of critical raw materials
- [Nature Restoration Regulation](#) ([Regulation 2024/1991](#))
 - sets targets for the restoration of natural habitats

3) Financing

- a wide range of funding sources and mechanisms
- planned total budget of one trillion Euro
- comprehensive financial support of affected regions and citizens
 - a *Just Transition Mechanism* shall alleviate the socio-economic impact of the transition
 - it includes a *Just Transition Funds (JTF)* of ca. 20 billion € to support diversifying economies and reskilling workers in vulnerable regions
 - a *Social Climate Fund (SCF)* of up to 65 billion € supports vulnerable households and micro-enterprises for energy efficiency, clean heating and transport (Regulation 2023/955)
 - a *European Union Solidarity Fund (EUSF)* supports after severe natural disasters, as they can be caused by climate change (Regulation 2012/2002)

V. Perspectives

- concerns about a decline in ambition in the face of growing right-wing populism and massive influence from fossil fuel lobbies
 - triggered, for example, by the present battle over the proposed Green Claim Directive against greenwashing
- concerns that European industries may fall far behind Chinese industries in the development of innovative clean technologies and then attempt to halt progress
 - as the European (in particular German) car industrie is already doing
- concerns that the fierce fight of the new U.S. Government against renewable energies may influence German and European policies
- nevertheless, the implementation of the Green Deal is progressing
 - see, for example, the *Clean Industrial Deal*, a plan for EU competitiveness and decarbonisation, presented by the European Commission in February 2025